

THE EUGENICS REVIEW

LAW AND EUGENICS.¹

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Two doubts presented themselves to me when I was invited by your President to address you. Yours is entitled an Education Society, and such a society might, I thought, possess a body of settled doctrines, a large collection of truths which it was its business to disseminate through expert representatives. What right had I to intrude into that circle, and speak to you, custodians of new truths of which I know little? And then, too, I asked myself—it was the second doubt—what qualification could a lawyer possess for sharing in a discussion of problems peculiarly within the province of the biologist, the statesman, the sociologist? I have not been able to banish entirely these doubts. They still haunt me, and often return with as much vividness as at first. But I derived some comfort from learning that, whilst educating the public mind as to questions second in gravity to none, you were still engaged in inquiries; that you had not reached the dogmatic stage; that you were open to fresh light from any quarter; that you recognised the obscurity of some parts of your vast subject; and that you were working in the spirit of receptivity and open-mindedness in the ceaseless quest of truth which were the characteristics of the founder of your science. I met Sir Francis Galton several times long ago, and the impression which I retain is that for him much of the Book of Nature, even in what seemed its most thumbed chapters, was still a book unread, and that in its interpretation aid might be got from all, even those

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wholly ignorant of the sciences with which he was familiar and devoid of his penetrating insight.

A society which confined its activity to the discovery and enunciation of abstract truths might have no need to admit lawyers into its councils. In the laboratory they may not be wanted. But yours is a society which, while pursuing strictly scientific methods, would also influence public opinion. It would ask to be heard in regard to conduct. If your principles are right, as I believe them to be, you are entitled to speak and be listened to upon many questions familiar to the lawyer. Upon the law of marriage; upon the law of divorce; upon the law of succession; upon the law of lunacy; upon the law as to the feeble-minded; upon several parts of the criminal law, your opinion ought to weigh for much, and as to some matters ought to be decisive. Underlying all these laws, or the customs relating to such matters, are certain principles or assumptions; some of them well founded, the result of long experience; others doubtful and needing close examination in the light of modern research; others probably resting upon principles which, if once sound, need, I submit, to-day to be modified.

I take as an example the law of marriage. In this country, as in others, there are certain rules defining marriages which are invalid, by reason of consanguinity. Outside these rules, most of which have come down to us from the Mosaic laws, there are virtually no legal impediments. No matter what the difference in age of the parties; no matter what the maladies to which one or both of them are subject; no matter what may be the family record of both; no matter what the likelihood that defects will be transmitted to some of their offspring, the State recognises the validity of such unions, provided the parties thereto were competent to give, and actually gave, their consent. Such unions, permissible by law, but to be deprecated, are not confined to the poor and ignorant. Examples are by no means unknown among the wealthy and educated. My own observation goes to show that the influence of wealth is here sometimes as deleterious as ignorance. We hear of improvident marriages, and but little of the instances in which riches and advanced age are mated with poverty and youth.

Public opinion does not always condemn such instances of dysgenics, or if it does so rarely in terms commensurate with the gravity of the mischief likely to be done. Akin to this subject is that of divorce. I am reluctant to introduce here a matter so highly controversial, one, too, with many bearings, besides its relation to eugenics. I should be the last to deny the difficulties surrounding the subject, or to say one word to wound those who would stand fast by the old order. But I should not be candid if I did not say that the time seems to me to have come for examining the present law cautiously and reverently, and in the full light of modern knowledge and of the experience of countries in which permanent insanity is recognised as a ground of dissolution of marriage. In legal text-books you will read of certain principles which are said to be part of public policy; for example the principle that there must not be restraint of trade or of personal liberty; that there must not be created perpetuities tying up property for long periods; principles, no doubt, very important and wholesome. But if you are right, as I believe you are, eugenics must, in due time, form a part, second in importance to none, of that public policy, and its teaching must permeate the regions which I have mentioned. If disabilities are imposed on account of consanguinity, largely by reason of an alleged tendency to produce certain grave defects in the offspring, is there not reason to discourage, and as far as possible to prevent, unions between those who actually suffer from such grave defects? The Mental Deficiency Act of 1913 is, I am inclined to think, the first of a series of measures dealing with subjects peculiarly yours. That Act was a much-needed measure, to be followed by other advances, I should hope, towards what Professor Pearson calls "racial purgation," or "the strengthening of the racial conscience," or what, in the language of jurisprudence, might be termed a rational *jus connubii*.

Only let us proceed with caution, and let not zeal outstrip knowledge. If there is one thing to be deprecated little less than ignorance or indifference, it is science in a hurry—eagerness to go to market with one's crops before they are fully ripe. Let us see clearly the object in view of the student or promoter

of eugenics. Especially, let us recognise the many-sided character of mankind; which is not always done. I have read statements which implied that the production of the perfect human animal was the end in view. The cattle or poultry breeder, the dog fancier, or the owner of the stud farm could suggest wider notions; he knows that there are endless varieties of his stock, each good for its particular purpose.

In an article in the *Journal of the American Institute of Criminal Law*, an American Judge, Mr. Gemmell, expresses himself upon this point with remarkable vigour: "Men are not measured by their height or the length of their belts, but by the spirit which moves them to good or ill. The North American Indian was a more perfect specimen of physical manhood than any of his pale-faced conquerors. . . . The purpose in breeding a horse is to produce the strongest beast. In developing the finest Percherons we have sacrificed brains for flesh. In doing this we have bred nearly all the sense out of the animals. The wild horse of America, and the little Shetland pony, born away up on the rocky slopes [*sic*] of the Shetland Islands, are more intelligent, and can be trained to do more things than the most highly-bred animal of the prize ring. The best bred hog can only grunt and snooze and die. The prairie rooter of a hundred years ago had more wit than all the Chester Whites and Poland Chinas of our day."¹ The wild duck has probably much more intelligence than its domestic kinsman, though the latter is bigger and heavier.²

One of the earliest statements of eugenics is to be found in the fifth book of Plato's "*Republic*." There it is said that children who are deformed or otherwise defective will be exposed or made away with. Even children born of fathers over 55 and mothers over 40 are to share this fate; and M. Glotz, the well-known authority on Greek law, has shown that the practice of infant exposure prevailed in ancient Greece.³ What may have been the loss to humanity by such a law or practice I cannot conjecture. It may have been great. About two hundred and

¹ *Journal of American Institute of Criminal Law and Criminology*, VI., 99.

² Headley's "*Problems of Evolution*," p. 99.

³ *Etudes Sociales et juridiques sur l'Antiquité Grecque*, p. 187.

seventy years ago was born a child weak and sickly, so small that, according to an eye-witness, it might have been put into a quart pot; just the sort of child which, according both to primitive eugenics and to Plato's, should be put away promptly, more especially as, if one looked into the history of its forbears, they were not of a high strain, and one at least, it is said, was scarcely normal; a clear case for "eugenic purgation." That child, which showed no great aptitude for some years, was spared. That child grew up and lived to a considerable age. That child was Isaac Newton. It is right also to recollect that there is a mass of facts going to show that the highest faculties may, and often do, accompany defective physical organisation. Much of the evidence has been collected in two works—one, "The Insanity of Genius," by the late Mr. Nisbet; the other, "Genie und Wahnsinn," by Dr. Paul Radstoek¹ (Breslau, 1884). I might add to these an article with a like purport in the American Journal of Criminal Law by Mr. Gemmell.

These writers, as it seems to me, do not sift the evidence very carefully. They compile uncritically long lists of men of great gifts who have been insane in some period of their lives. They throw together names of men of letters who, from time to time in their lives, were insane and those who became so in old age. They compile a second list of persons of genius, some of whose near relatives were insane. Mr. Nisbet lumps together Swift, Dr. Johnson, Comte, Southey, Shelley, Byron, Campbell, Goldsmith, Charles Lamb, Landor, Rousseau, Chatterton, Pascal, Chateaubriand, George Sand, Alfieri, Poe, Donizetti, the elder Pitt; many persons who were either not insane or became so only in old age. Dr. Radstoek sweeps into his net Lucretius, Tasso, Ben Johnson, Reinhard Lenz, Schumann, Swammerdam.

Mr. Nisbet goes so far as to say that there is "the impossibility of finding a single celebrity of the first rank who, the facts of his life being sufficiently well known, does not either personally or by heredity fall into the morbid group."² Out of 250 men selected only on account of their eminence

¹ My knowledge of Dr. Radstoek's work is derived from the "Revue Philosophique," 1886, vol. xxi., p. 97 *et seq.*

² "Insanity of Genius." Nisbet, p. 315.

“the total number of these are to be found to be neuropathic, suffering from or dying of, some description of nerve-disorder.”¹

I am not satisfied that these authors have proved their point. Dryden's lines, “Great wit to madness sure is near allied, and thin partitions do their bounds divide,” may not be a scientific truth. But I think there is evidence—I draw upon my own experience of life, and I appeal to yours in confirmation—that much of the best work of the world is being done and has always been done, by the physically feeble; the highest form of intellect is very often allied with poor physique, with a defective or disorganised nerve system. Nature specialises—mind and intellect do not always go together—and when she turns out the all-round person with the *mens sana* and the *corpus sanum* she often makes him a finished mediocrity.

I should like to add a word as to a subject upon which, as a lawyer, I may be permitted to speak. I refer to the legislation which has been passed in some dozen States of America as to sterilisation of certain classes of offenders which does not appear to me to be justified by the present state of knowledge to be necessary. There may be habitual criminals in the sense that from defective intellect they are practically unamenable to any good influences. I speak, of course, with diffidence, as most persons do who have given close attention to the matter and considered the conflicting evidence, but I am inclined to think that the untamed and untamable brutes are comparatively few. Many or few, they ought to be segregated. More than this seems needless. The great majority, even of the habitual criminals, are undisciplined, ill-conditioned, dissatisfied with themselves as well as with others, with low tastes; of poor physique; not made of fine clay, but stuff out of which, taken in hand in time, something might be made. Lombroso's teaching as to the born criminal—the man who has the murderer's ears, the thief's fingers, whose physical qualities predestine him for certain crimes—is not borne out by fact. No more careful and patient study of the subject has been made than that by Dr. Charles Goring, in his work published in 1913: “The English Convict: A Statistical Study.” One of his chief

¹ “Insanity of Genius.” Nisbet, p. 315.

conclusions is that "although Lombroso's criminology is dead as a science, it is equally true that as a superstition it is not dead. There is some quality in it which has appealed to those imaginations whose impressions of the criminal have been gained chiefly from newspaper sketches, from the romantic literature of picturesque villains, or from popular pseudo-scientific treatises. To register the extinction of this superstitious criminology, and to lay the foundations of a science of the criminal, truly accurate, and unbiassed by prejudice, is the purpose of this investigation." "With our figures," he adds, "we have refuted the doctrine that a type of the born criminal exists; that, therefore, a human being exists predestined to do wrong, different from other men. Our inquiry shows that he does not exist, the mental and physical conditions of born criminal and law-abiding persons of the same age, stature and class are identical." "Now Cesare Lombroso's data were practically no facts at all" (p. 15).

To much the same effect, though more favourable, are the results of other inquiries; for example, a study by Mr. August F. Bronner, Assistant Director, Psychopathic Institute, Juvenile Court, Chicago. His figures show that "on the basis of a study of more than 500 cases in a group, as little selected as is possible to obtain, we find the percentage of feeble-minded to be less than 10 per cent., while the group of those normal in ability exceeds 90 per cent." (*Journal of the American Institute of Criminal Law*. V., 568). True, Dr. Goring, like many other inquirers, finds the average inmate of our prisons below the normal stature in body, weight and intelligence. "Our final conclusion is that English criminals are selected by a physical condition and a mental condition which are independent of each other, and that the one significant physical association with criminality is a generally defective physical physique, and that the one vital mental constitutional factor in the etiology of crime is defective intelligence." But whether such defects are due to a deteriorating environment in its largest sense, prolonged over several generations; whether a subsequent generation, if well nurtured and planted in wholesome surroundings would be improved, is left uncertain. Those who have

seen what wonders have been effected by good food, pure air, exercise, and discipline in the case of persons feeble physically and mentally, will not readily set bounds to the achievements of like influences prolonged upon many of the habitual inmates of prisons. What we generally find is that "the main conclusion is that the criminal man is, to a large extent, a defective, either physically or mentally, or in the words of Sir B. Donkin, is 'unable to acquire the complex characters which are essential to the average man, and so is prone to follow the line of least resistance.'"¹

The habitual inmates of prisons are a mass of people, for the most part, who have been ill-trained and exposed to temptations to which they succumb; not a few mentally weak if not actually insane, others no worse than many who more favourably situated escape punishment. For the former segregation may be necessary; for none, as it seems to me in the present state of knowledge, are such measures as have been taken in the United States justifiable. And if they were, have we the means of discerning with accuracy and safety the individuals to whom they should be applied? And that suggests a further observation, which I must mention at the risk of being misunderstood. Along with physical improvements there are some mental and ethical qualities which have been slowly and painfully acquired. They have been won with difficulty; they might be lost with ease. In the rich heritage of the invisible possessions of civilised races nothing is more precious than the sense of human dignity, and incalculable mischief might be done by anything which, in the name of law, violated it. Nor do I know anything more likely to retard the progress of eugenics than the premature adoption of such measures. The history of criminal law is mainly the history of

¹ "Penal Law" is, through its prohibitions, the expression of the social standard of life in the country; when that standard is high there must be a residuum of individuals whose mental and physical state does not enable them to live up to that standard; they fall below it through constitutional incapacity, which manifests itself in weakness of will and power of resistance. This inquiry goes to show that it may be predicated that, with regard to the great mass of offenders coming within the meshes of the criminal law, this defectiveness, in its economic sense, is a predisposing cause, and has no necessary relation to definite physical or mental disease. It is a relative reason only, related to a high standard of social requirement, to maintain which the law exists."—Sir E. Ruggles-Brise, Preface to "The English Convict," p. 8.

excessive harshness; this might have been another chapter in the same deplorable history.

So far I have been discussing the law as to unions between individuals of the same social groups, the *jus connubii* in a narrow sense. I would now in these discursive remarks invite you to contemplate a larger task than the amendment of certain departments of municipal law. I ask you to look to the *jus connubii* in a larger sense than Roman law knew, to a possible future development of your science, to the application one day of your principles to facts hitherto neglected or misunderstood, and largely obscure. To a student of international law and to one interested in the laws and customs and the future of the so-called backward races, there is an aspect of your science of profound interest, too little examined, so far as I can find, but sure to command attention later on. It may seem presumptuous on my part to touch the subject; and I should not have done so if I had not found that the authorities which I consulted gave no clear answer to the apparently elementary questions which I put; the only very notable exception being Mr. Darwin in a famous chapter in the "Descent of Man." In the legal history of every country you find important consequences follow according as the marriage law is exogamous or endogamous, according as the tribe or sept marries outside or inside certain lines of relationship. You come also to a time in the history of certain communities when between them *jus connubii*, as it is called, is established, and when between certain others it does not exist. It may not exist between all classes in the same community. It did not exist for a time between the patricians and plebians in ancient Rome. The disability is affirmed in the 12 tables. It was abrogated by the *Lex Canuleia*. There still remained the barrier of marriages between freeborn and freed. This barrier was removed by a law of Augustus who at the same time prohibited senators and their descendants to the third degree espousing women of low morals or low professions.¹ The right of intermarriage did not exist in effect in feudal times between nobles and roturiers. It may be said not to exist between princely families and subjects under the Royal

¹ Girard, *Manuel de Droit Romain*, p. 155, third edition.

Marriage Act, which declares that "no descendant of the body of George II. shall be capable of contracting marriage under the age of 25 without command of the King in Council first had under the great seal (except the issue of princesses who have married or still marry into foreign families)." It does not exist in the Southern States of America between whites and negroes. Thus in Maryland marriage is prohibited between whites and negroes or persons of negro descent to the third generation. In Nebraska one quarter negro blood is a disqualification; in Florida, Indiana and Missouri one-eighth. The laws of some States prohibit marriages of whites with Mongolians. Even where the *jus connubii* nominally exists unions between whites and coloured persons may be regarded with hostility.

I mention these facts in order to lead you to consider what, for want of a better phrase, I may call world or race eugenics; which may one day be the most pressing of practical problems. While such laws as I have named against the unions of races exist; at all events, while the antipathies of which they are the expression remain, races are likely to keep apart; there may be friendly relations between them; there may, and will be, many irregular unions; philanthropists will continue to labour to civilise savage peoples and bring together and reconcile different races. There will remain a great gulf between the various races with dissimilar physique and mental characteristics. Now is this estrangement, which lapse of time seems in some countries only to accentuate, based on a sound instinct or upon a dim preception of a biological truth? Has the world been in a rude, blundering way conforming to a wholesome truth? Does safety lie in continued separation of races with very dissimilar characteristics? Or is the antipathy in great part the mere expression of racial vanity and prejudice? I have searched in a spirit of docility for answers to these questions, but with disappointing results. I have found in most discussions conflicting answers and several distinct problems inextricably mixed up, and a surprising lack of precision as to points of importance. What is a race? Is it a scientific conception or only a loose popular term? Is race based on physical characteristics only, or on both physical and mental. Kant defines a

race as a body of human beings whose unions produce children with characteristics similar to their parents. Huxley's definition is somewhat similar: "The name of a subdivision of one of these groups of living things which are called 'species' is the technical language of zoology and botany; and the term connotes the possession of characters distinct from those of other members of the species, which have a strong tendency to appear in the progeny of all members of the race."¹

Some writers—probably the majority—appear to mean by races social groups with like characteristics, physical and mental. Others would introduce the element of common history. If race is a true scientific concept, how comes it that there are profound differences of opinion as to the actual races existing? Kant mentions four races, the white, the negro, the "Hunnische" (Mongolian, Kalmuck), the Hindoo.² Mr. Whetham reduces the races in Europe to three (the Mediterranean, the Alpine, the Northern). Mr. Keane finds only three groups (Ethiopic, Mongolian, Caucasian). Dr. Brinton names five (Eurafrican, Austafrican, Asian, American, Insular or Littoral). Comte de Gobineau knows only three races (white, yellow, black). Other writers enumerate many. Pickering,³ the well-known ethnologist, writing in 1849, could say with some confidence that there were eleven races of men: Arabian, Abyssinian, Mongolian, Hottentot, Malay, African, Negritto, Indian, Ethiopian, Australian, Nego. Then, too, if for some purposes the term is admissible and convenient, is there known to be any "pure race," a phrase which is the *leit-motif* of a whole literature, it may be of no great scientific value, but with no small influence at present, which confidently declares that purity of race is everything—it is the secret of eugenics.

Here are some words by Comte de Gobineau, the apostle of this creed: "Il est démontré que les race humaines sont,

¹ See "Aryan Question," Huxley's Collected Works VII., p. 279.

² Kant, Werke II., p. 432, ed. 1867.

³ "Races of Men," p. 10. I have seen in all eleven races of men, and though I am hardly prepared to fix a positive limit to the number, I confess, after having visited so many parts of the globe, that I am at a loss to look for others.

chacune, enfermées dans une sorte d' individualité d'où rien ne les sortir que le mélange," and that "les types sont si complètement hereditaires, si constants, si permanents, en un mot, malgré les climats et le temps, l'humanité n'est pas moins complètement, et inébranlablement partagée."¹ He does not deny that good results have come from mixtures. "Le monde des arts et de le noble littérature résultant des mélanges du sang, les races inférieures améliorées, énnoblies, sont autant de merveilles auxquelles il faut applaudir. Les petits ont été élevés. Malheureusement les grands, du même coup, ont été abaissés et c'est un mal que rien ne compense ne répare."¹

Here are some words on the subject by Mr. Houston Chamberlain, the spokesman of a large body of opinion in modern Germany: "Such is the state of things in the life-giving centre of Western Europe. All round is a swarming population of tartarised Russians, a lovable people richly gifted though brought up in the most contemptible superstition, in unfreedom and ignorance, destroying with the sure instinct of slaves every racial element that had up to the present given it strength and importance; far away across the world the busy soulless yellow race; the dreaming, weakly mongrels of Oceania and South America; finally the millions of the blacks, poverty-stricken in intellect, bestially inclined, *who are even now arming for the war of races in which there will be no quarter given.* The man who with an open eye looks round the world to-day, a century after Kant's death, will shiver to the very marrow of his bones. No danger from outside would be invincible if we, true men of Northern Europe, not contaminated by the slavish blood of Syria and Carthagina, the *homines Europæi* of Linnæus (Teutons if we only understood how to conceive the word with sufficient large heartedness)—no danger from outside need be feared if we only had the courage to stand united and strong in the possession and consciousness of a freedom won, never to be lost."²

Opposed to this rhetorical tirade is a large body of evidence to the effect that certain admixtures have resulted in the pro-

¹ Essai sur l'Inégalité, 2 der 1, pp. 128, 218.

² Houston Chamberlain. Kant II., 332.

duction of the very highest types of civilisation. I need not labour a point which will scarcely be questioned. I quote a few words from Ratzel: "While race blending is not everywhere desirable yet the crossing of distinct races, especially where it occurs with social sanction, often produces a superior type; certainly such crossing as has occurred tends to prove absurd the conclusion that the dilution of the blood of the so-called higher races by that of the so-called lower races will either set the species on the highway to extinction or cause a relapse into barbarism."¹ "Interbreeding is making rapid strides in all parts of the earth. . . . If there is any consolation in the universal disappearance of native races, it is in the knowledge that a great part of them is being slowly raised by the process of intermixture. No doubt people like to repeat a statement, professedly based on old experience, that in half-breeds the vices of both parents predominate, but a glance at the national life of the present day is enough to show that Mulattos, Mestizos, Negro, and Arab half-breeds stand in America, and in Africa, at the head of Indians and Negros. The mixture once begun continues to increase, and each fresh infusion of higher blood tends to reduce the interval by levelling up."¹ Dr. Brinton: "Throughout Mexico, Central and South America, there has been a blending of the white and red races on an enormous scale, and the result has been that both physically and mentally this mixed race has repeatedly taken precedence in political and social life over the pure descendants of the European colonists. It is well known that the half-breeds of our frontiers, of British America and Greenland are singularly hardy, intelligent and vigorous scouts, guides, hunters and soldiers. Not a few of them have distinguished themselves in our colleges, and later in clerical and political life."² "I know of nothing," says Dr. Brinton, "within the range of human power to control, more decisive of the future prosperity or failure of the human race than this of the effect of race intermarriage."

Even higher claims than these may be made for crossing as a civilising agency. Rivers, in his wonderfully instructive

¹ Ratzel, "The History of Mankind," I., pp. 112, 12.

² Dr. Brinton, "Races and People," pp. 285, 283.

volumes on the history of Melanesian Society, remarks that : "The chief aim of this book has been to show the importance of the interaction and conflict in the production of human culture. The oceanic evidence points unmistakably to degradation and even to disappearance as the result of isolation, and suggests that the mixture of peoples have to be taken much more into account by the historians of human culture than it has been in the past. Indeed, the study of this part of the world suggests that the contact and interaction of peoples have been the great starting points of all the great movements in human history which we are accustomed to regard as progress."¹

To much the same effect are some remarks by Lord Bryce, founded on wide historical knowledge. "All the great people of the world are the result of a mixing of races. Taking our own continent, we see that in France, Gauls, Iberians and Teutons; in Germany, Teutons, Slavs, and, doubtless, also Celts; in Russia, Slavs, Finns, and (to a less extent) tribes of Turkic or Mongolic stock have been blent to form one nation. The Basques and the Lapps, and the four Scandinavian peoples seem to be of comparatively pure race, but may seem so only because we know little of their early history. The original source of the largest of all civilised nations, that which inhabits the temperate parts of North America, was not only itself the product of diverse sources before it crossed the Ocean, but has within the last seventy years received such enormous accretions from Ireland, Germany, Scandinavia, and the Slavs of Central Europe, that it is becoming the most mixed of the peoples we know."²

Now assuming that some crossings are good and the others are followed by bad results, what are these which it is desirable to encourage? In putting, perhaps somewhat bluntly and crudely, this question, in asking what should be the principle of the *jus connubii* for the races, I am stating one of the greatest problems confronting humanity. Conceivably there may be at least three answers : (a) the only barriers should be physical ; races with very unlike physical characteristics should not mix ;

¹ Rivers, Vol. II., p. 595.

² Lord Bryce, "The Relations of the Advanced and the Backward Races of Mankind," p. 15.

or (b) that the chief barrier should be that of culture or civilisation. Races belonging to an old stage of development, with group marriages, for example, should not unite with races more advanced, those living, for example, under the patriarchal system and with monogamy; (c) or (as would be generally said) there should be no mixing of the highest and the lowest, but true progress lies in the unity of races with points of similarity, physical and mental, and in the gradual formation of groups somewhat higher in the scale of civilisation than the individual elements or constituents out of which the new race was formed.

Probably it will be agreed that the last named is the true criterion. The crosses which have resulted in stable societies appear to have been so formed. It would seem that the races which have initiated, which have ruled, which have been progressive, have been made up of constituent elements not very unlike. The tribes which at the times of the great migrations passed into Europe seem to have been for the most part physically, and in point of culture, not very dissimilar. Where there has been a meeting of races very unlike, there has been either gradual extinction of one, or segregation of the lower in reserves (as in America and parts of South Africa), or the formation of a new race on a lower plane. That is the history of colonisation since the age of the great discoveries; that is likely to be the melancholy repetition of events in the future unless from science, that is, race eugenics, we get more information as to races which can with advantage unite; unless there is formulated one day, to recur to an ancient expression which I have before used, a rational race *jus connubii*.

Now as to this, there is, so far as I can find, a deplorable lack of precise data. Searching with some diligence in volumes of ethnology I have discovered few precise data as to the physical qualities (*e.g.*, physical strength, capacity of the various senses) of cross-breeds as compared with the races out of which they were formed. I have generally found as to the mental characteristics of the mixture and its constituent elements only vague generalisations by travellers, explorers, missionaries and casual observers. What Mr. Darwin calls the "unexplored residuum" is still very large. To name an

initial difficulty, it is so hard often to say what communities are really alike. Under apparent similarity there prove generally on closer examination to be great differences. What the theorists of the eighteenth century complacently termed the "savage" turns out to include most diverse kinds. A quarter of a century ago most of us read accounts of "the Australian native," who existed only in books, and I can well remember the impatience with which certain ethnologists resented the suggestion that the apparent similarity in the indigenous dwellers in a vast continent might be due to incomplete knowledge. Now we find the burden of the reports of later and better informed observers is to emphasise the many varieties of culture, habits and capacity in the Australian tribes.¹

I am not foolish enough to suppose that science will one day construct for races something as precise as the "Table of Kindred and Affinity" stuck up in churches, with prohibitions as between races similar to "A man may not marry his grandmother." But surely patient research may one day give some clear guidance regarding a momentous matter as to which so far humanity has merely muddled along.

In this hall we are far away from the tumult of party politics of every kind. But I may be permitted to refer to one matter not concerning entirely any one party or country, but belonging to politics in the largest and highest sense of the word, that is, as the science concerned with the life of every State. As hitherto known, democracy has meant equality of white races. It is the European name for a white aristocracy. Even a Condorcet did not extend it much further. It has excluded the black and brown. The most democratic of modern communities—for example, some of our colonies and certain States of the American Union—insist most strongly upon the colour bar and their blue blood. Political equality, it has been said, by high authorities, is all a matter of epidermis. Sometimes the hostility to the yellow or brown races springs from fear that labourers belonging to them may undersell the white and permanently reduce wages. It may also come from a fear that

¹ See "The Material Culture and Social Institutions of the Simpler Peoples," by Hobhouse, Wheeler and Ginsberg, 1915, p. 13.

with no common standard morals may be lowered. But I believe also that it often proceeds from an apprehension that the purity of the race would be in the long run deteriorated by the intrusion of foreign and diverse elements. The great modern exponent of the progress of democracy was de Tocqueville; the great modern exponent of the natural aristocracy of certain races was Comte de Gobineau. Poles asunder in opinion, they were life-long friends. Only lately has been published the voluminous correspondence between them. It turns largely upon the matters which we are considering, and it brings out into sharp relief the antagonism between the ideas which they represented. But in one point they agreed—that the question over which they were divided was becoming the question of questions for many States. Fortunately, it is in these days for the first time approached, not solely by inquirers eager to excuse high-handed acts, but also by those who have no desire except to know and accept the truth. It is not to be solved, if it ever is solved, without patient research, but it cannot without peril be shelved or even long postponed. For the whole world, including the so-called backward races, is restless and in motion as it never was in the days of the great migrations. Races of all kinds are crowding over old barriers, neither mountains nor seas nor penal laws keeping them to their birthplaces; the very communities which pass these laws providing by facilities of communication for their evasion.

Should the answer of you or your successors who examine these problems be that such unions are deleterious; that there is a scientific truth in the racial theories of M. de Gobineau, Mr. Houston Chamberlain and their school; that the mixed breed is a bad breed, the verdict of science must be accepted. But it will be a capital sentence—capital in the old sense of that word—pronounced upon millions, in being or to be born, henceforth authoritatively branded as inferiors, with the knowledge on their part that they are such. They may not become extinct, for some of these races, and not the best endowed, are wonderfully prolific. But they will be ruled out of the work of civilisation and progress. In ancient times, conquests by warlike tribes drove feebler races to the mountains, the swamps, and to

the poorer and barren lands. Should the discoveries of eugenics be unfavourable to such mixtures certain races will be pushed more than ever into isolation. Reviewing the facts which we have been considering, Lord Bryce remarks that "it may be doubted whether any further mixture of advanced and backward races is to be desired."¹ May I append a doubt to his doubt, and say that it is hazardous to put limits to that process of fusion which has always been going on in the past, and sometimes with good results?

Should scientific research tend to show that there are no valid reasons against unions between certain races, physically different; should it go further and say that new unions are desirable and propitious; should it declare that certain stocks would be enriched and strengthened by infusions of the blood of less advanced people, then the outlook for races now dying out brightens; then, perhaps, we should all be in a new sense "citizens of a better world"; then the unity of humanity would have a new, and, perhaps, for the first time a real meaning. There will then be, also for the first time, a rational *jus connubii*, such as neither Roman law nor any other conceived. Hitherto men have walked as to these matters in darkness. Who knows but that your science may show how by wise crossings the backward races may be levelled up without the advanced being debased? Who knows but that it may be the solvent of the pride and intolerance of race and may one day send a message of hope to people now apparently doomed to disappear?

¹ "The Relations of the Advanced and the Backward Races of Mankind," p. 36.